

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STEPHANE BERNARD,

*Plaintiff,*

-v-

LEXISNEXIS RISK SOLUTIONS INC.,

*Defendant.*

Civil Action No. 24cv7791

**DEFENDANT LEXISNEXIS RISK SOLUTIONS INC.'S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, Defendant LexisNexis Risk Solutions Inc. (“LNRS”) respectfully submits this Notice of Removal to remove the action *Stephane Bernard v. LexisNexis Risk Solutions Inc.*, currently pending in the Supreme Court of the State of New York, New York County, filed as Case No. 1586312024 (the “Action”), to the United States District Court for the Southern District of New York.<sup>1</sup>

### **PROCEDURAL HISTORY**

1. On or about September 18, 2024, Plaintiff Stephane Bernard (“Plaintiff”) commenced the Action in the Supreme Court of the State of New York, New York County.
2. LNRS was served with the Action Summons and Notice on September 24, 2024.
3. Plaintiff filed a Complaint on October 11, 2024, but has not yet served LNRS with the Complaint.
4. Attached hereto as **Exhibit 1** is a copy of the Action Summons with Notice served on LNRS, which constitutes all process, pleadings and orders served upon LNRS in the Action pursuant to 28 U.S.C. § 1446(a).

### **BASIS FOR REMOVAL JURISDICTION**

5. The Action involves allegations that LNRS violated the Fair Credit Reporting Act, 15 U.S.C. §1681, *et seq.* (“FCRA”). See **Exhibit 1** (alleging LNRS violated the FCRA by “failing to maintain reasonable procedures to assure the maximum possible accuracy of information it reported about Plaintiff.”).
6. The Fair Credit Reporting Act is a law of the United States.
7. Under 28 U.S.C. § 1331, the district courts have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

---

<sup>1</sup> LNRS reserves all of its rights, claims and interests that it may have to any defenses available to it.

8. Under 28 U.S.C. § 1441(a), any civil action brought in a State court of which the district courts of the United States have original jurisdiction may be removed to the district court.

9. Accordingly, this Court has original jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331 and 1441(a) because they present a federal question under the FCRA, in as much as the claims in the Complaint are dependent upon a violation of the FCRA. *See id.*

10. Further, because the Action includes state court claims—asserted under New York General Business Law § 380-j—that are based on and related to the allegations presenting a federal question under the FCRA, this Court may exercise supplemental jurisdiction over the related state law claims under 28 U.S.C. § 1367(a).

**THIS ACTION IS PROPERLY REMOVED TO THIS COURT**

11. The Supreme Court of the State of New York, County of New York, is located within the Southern District of New York. 28 U.S.C. § 112(b). This Notice of Removal is therefore properly filed in this Court pursuant to 28 U.S.C. § 1441(a).

**TIMELINESS OF REMOVAL**

12. LNRS was served with the Action Summons and Notice on September 24, 2024. Plaintiff filed a Complaint on October 11, 2024, but has not yet served LNRS with the Complaint. Because the Complaint has not been served, and this notice is filed within 30 days after the receipt by LNRS of said Action Summons and Notice, it is timely pursuant to 28 U.S.C. § 1446(b). Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders served upon LNRS in the Action are attached to this Notice as **Exhibit 1**.

**RESERVATION OF RIGHTS**

13. If any question arises as to the propriety of the removal of this action, LNRS requests the opportunity to brief any disputed issues and to present oral argument in support of its position that this case is properly removable.

14. Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of LNRS's right to assert any defense or affirmative matter.

**PROPER SERVICE**

15. Pursuant to 28 U.S.C. § 1446(d), a copy of this notice is simultaneously being served on Plaintiff via certified mail and filed with the clerk of the Supreme Court of the State of New York, New York County without exhibits.

**CONCLUSION**

**WHEREFORE**, Defendant LexisNexis Risk Solutions Inc. respectfully requests that the Action be removed from the Supreme Court of the State of New York, New York County, to the United States District Court for the Southern District of New York, and requests that further proceedings be conducted in this Court as provided by law.

Dated: October 14, 2024

Respectfully submitted,

By: /s/ Michael B. Miller  
Michael B. Miller  
Morrison & Foerster LLP  
250 West 55th Street  
New York, NY 10019  
(212) 468-8000  
mbmiller@mofo.com

*Counsel for Defendant LexisNexis Risk  
Solutions Inc.*